

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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CBS BROADCASTING, INC., COLUMBIA
PICTURES INDUSTRIES, INC., DISNEY
ENTERPRISES, INC., TWENTIETH CENTURY
FOX FILM CORPORATION, and WARNER BROS.
ENTERTAINMENT INC.,

Plaintiffs,

No. 3:06-CV-338-R

v.

JOSEPH MORGANELLI, BINNEWS, LLC, and
DOES 1-8,

Defendants.

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UNOPPOSED JOINT MOTION FOR TEMPORARY STAY OF PROCEEDINGS

Plaintiffs CBS Broadcasting, Inc., Columbia Pictures Industries, Inc., Disney Enterprises, Inc., Twentieth Century Fox Film Corporation, and Warner Bros. Entertainment Inc. (“Plaintiffs”) and Defendants Joseph Morganelli and Binnews, LLC (“Defendants”), by and through their attorneys, jointly move this Court to stay all proceedings in this case for forty-five days. In support of their motion, the parties state as follows:

1. On May 16, 2006, Plaintiffs amended their Complaint to name Defendants in their suit for secondary copyright liability. Defendants filed an Answer on July 7, 2006.
2. On July 21, 2006, the Court issued a Scheduling Order under which discovery was to be completed by October 20, 2006; joint dispositive motion submissions were to be made by November 3, 2006; and trial was set for February 2007.

3. On September 18, 2006, the parties informed the Court that they had agreed to a two-week extension on certain discovery deadlines.
4. On September 29, 2006, the parties jointly requested a stay of the case pending resolution of settlement discussions. The parties informed the Court that they had been actively engaged in settlement discussions and believed that Plaintiffs' claims could be settled without further litigation.
5. The Court granted the stay on October 2, 2006, modifying the Scheduling Order to extend all pending deadlines by sixty days. Under the modified Scheduling Order, discovery was scheduled to close on December 19, 2006.
6. On December 7, 2006, the parties jointly requested another stay of the case pending resolution of settlement discussions. The parties informed the court that they continued to be actively engaged in settlement discussions. The Complaint alleges that Defendants are liable for secondary copyright infringement as a result of their operation of a website called www.binnews.com. Because this case involves a particular type of technology, the parties needed additional time to work out the technical issues that were necessary for settlement of the case.
7. The Court granted the stay on December 11, 2006, modifying the Scheduling Order to extend all pending deadlines by sixty days. Under the modified Scheduling Order, discovery was scheduled to close on February 20, 2007.
8. Following the Court's December 11 order modifying the Scheduling Order, the parties engaged in good-faith discussions about a proposed settlement agreement and resolving the necessary technical issues. The parties have tentatively reached a settlement agreement, which is near-final. In light of the technical issues involved in the agreement,

and because multiple litigants are involved in this case, the parties need additional time to ensure that all those involved consent to the terms of the agreement.

9. Accordingly, the parties respectfully request that the Court stay all proceedings in this case for an additional forty-five (45) days to enable the parties to finalize the terms of the settlement agreement and to present the Court with a consent judgment.

Dated: February __, 2007

Respectfully submitted,

s/ Katherine A. Fallow.
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On Behalf of Defendants

CERTIFICATE OF CONFERENCE

All parties agree that the Unopposed Joint Motion for Temporary Stay of Proceedings should be granted and consent to the filing of this motion.

s/
Katherine A. Fallow

s/
Charles S. Baker